APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,567	02/20/2001	Peter Balogh	P 277157 2000131US/Sml/kp	3519

			EXAMINER
909 7590 03/25/2004			NGUYEN, ALAN V

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ART UNIT	PAPER NUMBER
2662	

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/785,567	BALOGH, PETER
	Examiner	Art Unit
	Alan Nguyen	2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 February 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Drawings

1.   The drawings are objected to because there are two access point 2s labeled in

figure 3. The "second AP2" should read "AP3". A proposed drawing correction or

corrected drawings are required in reply to the Office action to avoid abandonment of

the application. The objection to the drawings will not be held in abeyance.

Specification

2.   The disclosure is objected to because of the following informalities:

On page 11, lines 5-6 the phrase "...compares the connection attributes of

access points with the same network name as the currently serving access point..."

should be removed, as it is redundant.

Appropriate correction is required.

Claim Objections

3.   Claim 11 objected to because of the following informalities:

On line 1 of claim11, "The terminal of claim 9;" should read " The terminal of

claim 9," (note the comma should be used instead of semicolon).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by

Belanger et al (US 5,875,186) hereafter Belanger.

Regarding **claims 1, 9, and 16** Belanger discloses a method and terminal apparatus

comprising:

a transceiver configured to communicate with an access point **(access point**

unit 11 is in radio communication with a mobile unit 1; col 4 lines 65-67; fig1 and

3);

collecting means for collecting information related to available access points

(tables describe to a mobile unit which access point units are good candidates;

col 24 lines 32-40);

checking means for checking the network names of the available access points

(mobile unit reads network ID number NETID; col 25 lines 5-9; also see col 12

lines 24-29);

selection means for selecting a first access point having best connection

attributes of the available access points having a network name matching a currently

serving access point **(mobile unit is currently in communication with an access**

point that it has previously chosen as the best candidate in the network; col 24

lines 53-56) and configured to select a second access point having best connection

attributes of the available access points having a different network name than the

currently serving access point **(mobile unit contacts an access point from another**

area and reads an information table to find the best candidate in that area; col 24

lines 30-46, lines 53-56);

comparison means for comparing one or more connection attributes of the first

access point and the second access point; and access means for establishing a

connection to the second access point if differences between the compared connection

attributes fulfill pre-determined conditions **(a mobile unit decides to switch to a new**

access point unit by a decision made automatically by the mobile unit; col 26

lines 3-18) .

Regarding *claims 2, 10, and 17* Belanger discloses a terminal, further comprising: user

interface means for informing user of a terminal if the differences between the

compared connection attributes fulfill the pre-determined conditions **(a mobile unit**

decides to switch to a new access point unit by a decision made automatically by

the mobile unit; col 26 lines 3-18), wherein the access means are arranged to

establish a connection to the second access point if the user allows the connection

(When a mobile unit wishes to transfer, it contacts a new access point and

attempts to register; col 26 lines 10-19; also see col 20 lines 14-22).

Regarding *claims 3, 11, and 18* Belanger discloses a terminal where the access means

are arranged to establish a connection to the first access point if the first access point is

not the currently serving access point and at least one of the differences between the

compared connection attributes does not fulfill the predetermined conditions **(A mobile**

unit decides to switch to a new access point unit by a decision made

automatically by the mobile unit. If mobile unit decides to change access point if

its current access point quality below a threshold, a candidate access point that

within the same network can be chosen; col 26 lines 3-18).

Regarding **claims 4, 12, and 19** Belanger discloses a terminal where different

connection attributes are weighted differently **(the mobile unit receives from the**

access points information indicating the access points that are within range, as

well as multiple values indicating a communication range for a particular access

point to the mobile unit. Many factors are used to select the best access point,

along with signal quality. There must be some percentage of value that is set for

each factor; col 2 lines 46-56also see col 27 lines 21-60)

Regarding **claims 5, 6, 13, and 20** Belanger discloses a terminal further comprising:

memory means for storing information sets identifying networks by network names and

describing settings needed to access networks and associated network resources

(each time a mobile unit registers with an access point unit, it gets a copy of that

access points information table that contains descriptions of nearby candidate

access points; col 24 lines 30-42), where the checking means are arranged to

compare the network names of available access points with network names stored in

the information sets, drop access points with network names not described in any of the

stored information sets, and establish a connection to the second access point using the settings described in the stored information sets **(see col 24 lines 53-57)**.

Regarding *claims 7, 14, and 21* Belanger discloses a terminal where the connection attributes are determined at least based on signal levels of the available access points, wherein the selection means are arranged to select the first and the second access point having highest signal levels, wherein the comparison means are arranged to compare the signal levels of the first and the second access point, and wherein the access means are arranged to establish a connection to the second access point if the difference between the respective first and second signal levels is above a pre-determined signal level limit **(the mobile unit determines which access point provides the mobile unit with the highest quality communication; col 2 lines 20-26; A mobile unit decides to switch to a new access point unit when its quality of service reaches a certain threshold, and the candidate access point is above a certain threshold; col 26 lines 3-19)**.

Regarding *claims 8, 15, and 22* Belanger discloses a terminal where the terminal is a mobile terminal and is arranged to access wireless local area networks **(a wireless local area network comprises mobile units; col 4 lines 17-20)**.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

The following patent is cited to show the state of the art with respect to the use of

choosing access points based on signal quality

            US Patent (5,991,287) to Diepstraten et al

            US Patent (5,839,070) to Lupien et al

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Alan Nguyen whose telephone number is 703-305-0369.

The examiner can normally be reached on 9am-6pm ET

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ricky Ngo can be reached on 703-305-4798. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9314.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

AVN
March 19, 2004

RICKY NGO
PRIMARY EXAMINER